

# The FACTS

## about the

# Happyland Election

## 1925

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Happyland is a provincial constituency in the Province of Saskatchewan; and, at the general election held on the 2nd of June, 1925, J. J. Keelan, Liberal Candidate, was elected.

Within a few days after the holding of the election, a request was received by the Clerk of the Executive Council, for a certified copy of the poll book in polls 26, 28 and 33 in the said constituency and certified copies of the voters' list for the same polls were also requested. These were furnished at the time in accordance with the law.

All proceedings having to do with the unseating of a member by reason of improper election practices and all proceedings against individuals in connection with improper or corrupt practices during an election are governed by *The Election Act* and *The Controverted Elections Act*. There was a time under the British system of Government when these matters were all dealt with by the Legislature itself but now in every British Legislature the right has been delegated to the courts of the land to dispose of all matters pertaining to elections—the consensus of opinion being that such matters are more properly disposed of by the judicial branch of the Government rather than by the legislative branch.

The Legislature, by *The Election Act* and *The Controverted Elections Act*, require that all proceedings to unseat a member shall be taken within one month from the publication of the return of the election of such member and, if such proceedings are not taken, then the member's election cannot be protested.

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The same Acts require that all proceedings against any person for any improper or corrupt practice in connection with elections, shall be started within six months from the commission of the alleged offence.

*The Election Act* provides that the Clerk of the Executive Council shall keep all records for one year and then destroy them. This provision insures preservation of records to permit anybody wishing to attack an election or to prosecute any person in connection therewith, having every opportunity to do so.

With every facility furnished to prosecute any wrong-doer and every facility furnished to take proceedings to unseat the Member for this Constituency absolutely no proceedings of any kind or nature whatsoever were taken; and, by reason of lapse of time, all the records were destroyed and anyone wishing to attempt to unseat the Member or prosecute any person for wrong-doing was prevented by law from so doing.

Following the Happyland election in June, 1925, a Dominion general election was held in October of that same year. In this later election campaign Hon. S. J. Latta addressed a meeting at Swift Current, and at the close of the meeting Mr. Baldwin, who had been the Progressive candidate in Happyland, spoke to him about certain alleged irregularities. Mr. Latta informed Mr. Baldwin that if he had any evidence of wrong-doing he should take action under *The Controverted Elections Act*. Mr. Baldwin replied that he could not afford the cost of a legal action. Mr. Latta thereupon informed him that all he had to do was to swear out an information and the case would then automatically be proceeded with under *The Controverted Elections Act* and without cost to him, the Province bearing all the expense. Mr. Latta concluded by impressing upon Mr. Baldwin the importance of taking such action without delay as the time allowed under the Act for taking action would soon expire. Mr. Baldwin took no action, and that was the last heard of the matter until three years later in the Arm River by-election.

No mention was made in the Legislature during the three consecutive sessions of 1925-26, 1926-27 and 1927-28 with respect to anything wrong in connection with the conduct of the Happyland Election. The first intimation was made by Dr. J. T. M. Anderson, Leader of the Conservative Party speaking at Elbow, as reported in the Regina Daily Star of the 5th of October, 1928.

"Dr. Anderson made specific charges that the Government in the last election had committed election frauds at Happyland and in other non-English constituencies. . . .

'I charge, that the Gardiner Government has wilfully violated the principles of British fair play and the sacredness of the ballot.

'At Happyland and other places peopled by those not familiar with the English language, they took advantage of the ignorance of these people to break all laws of decency and the law of this province in the last election.

'I have here in my hand a list of thirty names of foreign voters whose names were put on the poll books by the deputy returning officer and whose votes were polled without the knowledge of the voters.'

It will be noted that Dr. Anderson charged the Government with election frauds. Speaking at different places throughout Arm River, and more particularly at Davidson, the Premier stated that if Dr. Anderson would put forward those charges in the House, he would be given an opportunity to prove them.

On October 5 in an article dated Strongfield, October 5, Dr. Anderson corrected the newspaper report to read the "Gardiner machine" where the words "Gardiner Government" are used.

Speaking on the address in the Legislature as reported in the Regina Daily Star, Dr. Anderson in his only reference to Happyland during the session, stated:

"I have my duty to perform as leader of the Opposition and it will be expected of me that I refer to a matter brought up in the Arm River campaign while defending the sacredness of the ballot and the need to protect those who are ignorant of our language and customs. I said that I had reason to believe that irregularities had taken place in the 1925 election."

It will be noted that in Arm River he first charged the Gardiner Government with election frauds and later changed the charge from one against the Gardiner Government, which was not in office in 1925, to one against the Gardiner Machine. When he came into the Legislature he stated that "irregularities had taken place" which even if proven would constitute personation, an offence on the part of one or more individuals and punishable under *The Election Act*.

The Premier in replying to Dr. Anderson on December 10th, 1928, stated as follows:

"Now my reason for referring to it here is this: When Dr. Anderson did bring it up in the House, it was in the words I have quoted—the

very indefinite words to which I have alluded. No charges here with respect to any individual! No charges here with regard to the Gardiner Machine! No charges here with regard to the Dunning Government of 1925! No charges at all with regard to the member for Happyland! No charges with regard to the Deputy Returning Officer who was responsible, if anybody was responsible, for anything that he (Dr. Anderson) declares did take place in the conduct of that election!

"No member of the Government of 1925 to my knowledge, and, I believe, to anybody else's knowledge—no member of the Government of the present day, had any knowledge of anything that took place in the constituency of Happyland of the nature suggested by my honourable friend. Further, with the information which was in possession of the Opposition they had the opportunity to lay an information before the courts as provided for in The Election Act and in an inexpensive manner to have it tried properly in the courts and to have the guilty person, if convicted, punished for the offence.

"My honourable friend has never suggested that he was willing, then or now, to go to the extent of prosecuting in the case—he is simply trying to pin something to the Liberal party and members of the Government so that he can go out of the House and use it in future campaigns in the Province of Saskatchewan. I tell him now, that we have nothing to hide and nothing to fear in connection with the Happyland election or in connection with any other election in the Province of Saskatchewan.

"I think possibly, it might be well if I were to point out some of the actions that have been entered into in the past in similar matters and to show to the member for Saskatoon (Mr. Anderson) what has been done and what might be done in matters of this kind. First I will deal with The Controverted Elections Act: On the first page it is set out that at any time within one month or thirty days, any defeated candidate or any duly qualified elector may petition against the undue return or undue election of any candidate. In this case, no such action was taken and may I repeat that all the information was in the hands of the Opposition within thirty days. Then again, there is provision made that where certain acts have been perpetrated by officials in connection with an election, an action can be taken within six months. It is provided that a charge can be laid before two J.P.'s in certain cases, or before a District Court Judge, and if the charge is proven, there is a penalty set for contravention of the Act. None of these actions have been taken and if my honourable friend brings the matter up at a later date, he will find the Government prepared to deal with it in a manner that will meet with the approval of those who believe in maintaining the dignity of this House." *(Dr. Anderson did not bring the matter up again during the Session.)*

Even if Dr. Anderson had the best evidence available of personation, by reason of the delay no action could be taken against the offenders.

The only remedy at this late date was, first, to amend *The Election Act* by cutting out the time limit within which actions could be taken and thus permit prosecution at any time; and, second, to amend *The Controverted Elections Act* by cutting out the time limit within which proceedings could be taken to unseat a member and permit proceedings to be taken.

Dr. Anderson or any Member of the Legislature was free, during the Session of 1928-29 to introduce a Bill to amend either Act and thus to permit full investigation into any alleged wrongdoing, by the proper body, namely, the courts of the province.

Dr. Anderson failed to take this course which was the only course which would insure the conviction and punishment of any alleged wrong-doers in connection with the said election.

If any enquiry had been conducted by the Legislature or any committee thereof and even, if the inquiry disclosed wrongdoing, under the existing law, no wrong-doer could be punished because of the limitation of time within which proceedings could be taken.

On the 10th day of January, 1929, Mr. Howard McConnell, Member of the Conservative Party and representative in the Legislature from Saskatoon, gave notice of a motion reading as follows:

"That the Committee on Privileges and Elections be directed by this Assembly to investigate into irregularities, which are alleged to have taken place in the conduct of the last General Provincial Election in the Electoral Division of Happyland, and to report its findings to this Assembly."

The Speaker of the Assembly ruled the motion out of order giving his grounds as follows:

Mr. Speaker,—“With regard to the Notice of Motion proposed by the Honourable Junior Member for Saskatoon City, I have not allowed this to be inserted in the Votes and Proceedings of the Legislative Assembly and the Resolution therefore cannot be proposed.

“The proposed Notice of Motion is to the effect that alleged irregularities in the last General Provincial Election in the Electoral Division of Happyland be investigated by the Select Standing Committee on Privileges and Elections. If there were irregularities then some members should be willing to assume some responsibility in the matter and should so state in the motion, but this Assembly should not be called upon to investigate ‘alleged irregularities’, but definite charges.

“The matter is not one which now affects the seat of any member of this Legislature as the time limit has long since passed for bringing such a matter into question.

"The person most affected by the alleged irregularities would be the defeated candidate; no new light has been shed on the case since the six months following the said election, which would be since December 2, 1925; he obtained all the evidence available and failed to institute any inquiry in 1925.

"The official documents, which would furnish the only indisputable evidence, were in the custody of the Clerk of the Executive Council for more than one year after the election, or until June 2, 1926, and were then destroyed according to law.

"This Assembly has a duty to perform in the protection of election officials from statements affecting their honour which could be made in the House, or in Committee, where those making them would be protected from action in the courts for slander, which might not be the case if they were made outside of the Legislature."

The Premier and the Attorney General pointed out to the House and Mr. McConnell the proper procedure to follow to bring the matter before the Legislature but the Opposition failed to make any further effort to have the charges investigated.

The proper way to have had the charges investigated and any offenders punished was by amending the law cutting out the time limit within which proceedings could be taken. The improper way was to try and conduct an enquiry by the Legislature itself, particularly, in view of the fact that the Legislature, by *The Election Act* and *The Controverted Elections Act*, has already delegated these powers to the courts.

It would appear that Dr. Anderson did not want any investigation to be held. He did not get up in the Legislature and repeat his charges made at Elbow; neither did he nor anyone on his behalf make any charges in the Legislature. It would appear that he deliberately proceeded in an improper manner knowing full well that such an investigation could not be held. By acting in this way, he protected himself from having to prove the charges which he made at Elbow and at the same time tried to leave the inference in the country that the Government was opposed to a full investigation.

It was plainly evident throughout the whole Session of the Legislature that this was the strategic move he was trying to make; but, the whole thing has been made apparent on the face of it to the people of the province because he has shown in this, as in everything else, his absolute want of good faith.

If he honestly wanted an investigation and any offenders prosecuted, he had every means at hand. If there has been wrong-

doing, then he is a party to such wrong-doing by his failure to fulfil his apparent duty.

Faced with the fact in the Arm River by-election that he had failed to mention his Happyland "charges" in the Legislature during any one of three sessions held since the alleged wrong-doing, but had waited for three years to spring them in that by-election when it was too late for anything to be done, Dr. Anderson said he had only recently heard of the irregularities but had he had knowledge of them before he would have brought the matter up in the Legislature. He repeated that statement during the recent Session, as did also Mr. Howard McConnell.

The Legislature was prorogued on February 2, 1929, after a session lasting from December 4, 1928. Then on March 27, 1929, or within less than two months after prorogation, Dr. Anderson, speaking at the banquet which closed the South Saskatchewan Conservative convention, is reported by the Regina Daily Star as follows:

**"Directly charging the Government with having seventeen paid civil servants outside the Province working in the interests of the Liberal party against the Bracken Government in the last Manitoba elections, Dr. Anderson stated proof would be offered during the next election campaign. Also was proof to be given of other corruptions, in one case relative to the manner in which votes were cast and the majority obtained in the by-election returning Hon. George Spence. These would pale into insignificance the famous Happyland charges he declared."**

Why, it may be asked, did Dr. Anderson not make these charges while the Legislature was in session? Is he going to again plead that he knew nothing about them on February 2, when the Legislature was in session, but is fully informed as to their enormity at the Conservative convention on March 27?

Dr. Anderson's record in connection with all matters of this kind is quite clear. He displays a lack of courage to make any charges in the Legislature on his responsibility as a member and when faced by those he would accuse. Then on political platforms he gives utterance to sweeping charges of Government corruption and wrong-doing, but carefully refrains from producing anything in the shape of proof. His accusations are always very sweeping in character but most delightfully indefinite. Facts and proof he abhors as nature abhors a vacuum.

# **While Conservative Opponents Have Talked “Scandal” and Exaggerated the Trivial, the Liberal Government of Saskatchewan Has Been Con- cerned With Great Issues**

## **IT HAS, AMONG OTHER THINGS:**

- Secured to the people control of Power for all time.
- Brought the Natural Resources problem near solution.
- Encouraged scientific agriculture in all its varied branches.
- Inaugurated the most thorough investigation of the whole problem of marketing, grading and mixing of grain.
- Promoted development of our great coal deposits.
- Provided Old Age Pensions.
- Provided free Sanatorium treatment for tuberculosis.
- Created a Provincial Highways system and is now hard surfacing the same with gravel.
- Assisted in opening northern trade routes for prospectors and miners, and reserved hydro-electric power for their use.
- By its railway policy developed transportation facilities more rapidly than any other Province in Canada.
- Kept the Public Debt lower than any Province west of Quebec.
- Co-operated in all things with the people in promoting their manifold interests and activities.

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**ELECTORS!**

***Vote for Realities, Not for Trivialities***





